

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF BOONE COUNTY WATER)
DISTRICT'S DECISION TO CHANGE WATER)
SUPPLIERS AND OF THE AMENDMENT OF WATER)
SUPPLY AGREEMENTS BETWEEN NORTHERN) CASE NO. 2000-206
KENTUCKY WATER SERVICE DISTRICT AND)
BOONE COUNTY WATER DISTRICT AND THE CITY)
OF FLORENCE, KENTUCKY)

ORDER

The Commission, on its own motion, HEREBY ORDERS that:

1. All parties to this proceeding shall, no later than September 11, 2000, file written briefs addressing the issues listed in Appendix A to this Order.
2. Each party shall file an original and 8 copies of its written brief.
3. In addition to the issues listed in Appendix A, a party may address any other issues that it believes relevant to this proceeding.

Done at Frankfort, Kentucky, this 29th day of August, 2000.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2000-206 DATED AUGUST 29, 2000

1. Does the Public Service Commission of Kentucky have jurisdiction over the rate and conditions of service set forth in the contract between the Cincinnati Water Works ("CWW"), Boone County Water District ("Boone District"), city of Florence, Kentucky ("Florence"), and Boone-Florence Water Commission ("Water Service Agreement")?

2. Under the terms of the proposed water supply agreement, CWW will own, control, or operate facilities in the Commonwealth of Kentucky that distribute or furnish water that is ultimately provided to the public for compensation. Does the ownership of such facilities render CWW subject to the Commission's jurisdiction?

3. What effect, if any, does the holding of City of Cincinnati, Ohio v. Commonwealth ex rel. Reeves, Ky., 167 S.W.2d 709 (1942), have on the Commission's authority to regulate the rate and service provisions contained in the Water Service Agreement?

4. What effect, if any, does the Interlocal Cooperation Act have upon the Commission's jurisdiction over the rates and service provisions of the Water Service Agreement?

5. What is the extent of the Commission's authority over the rates and service that the Boone-Florence Water Commission will provide to Boone District and Florence?

6. a. What authority permits the Boone-Florence Water Commission to enter into an agreement with CWW for the purchase of water for resale to its members?

b. Does the Water Service Agreement constitute a "source of supply of water" as the term is defined in KRS 74.420?